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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ERICA BLUTH, an individual, and
LAVORIA WILSON, an individual,

Plaintiff,

v.

TYLER BAEHR, and individual, and THE
CITY OF RENO, a political subdivision of
the State of Nevada.,

Defendants.

Case No.: 3:25-cv-00129 ART-CSD

**PLAINTIFFS' MOTION REGARDING
DISCOVERY DISPUTE**

COME NOW Plaintiffs ERICA BLUTH and LAVORIA WILSON and pursuant to the Civil Standing Order of U.S. Magistrate Judge Denney, file this Motion Regarding Discovery Dispute to compel Defendant City of Reno to produce the Draft Internal Affairs Investigation Report (ADI 2024-00011) listed in its Initial Disclosures.

MEMORANDUM OF POINTS AND AUTHORITIES

Statement of Unresolved Issue

The City of Reno listed the Draft Internal Affairs Investigation Report (ADI 2024-00011, 118 pages) in its Initial Disclosures but has not provided a copy, claiming that describing the document and its location (“City of Reno - OneDrive - Electronically Stored Information”) satisfies Fed. R. Civ. P. 26(a)(1)(A)(ii). Thereafter, counsel for the Plaintiff emailed counsel for the City, requesting that the document be produced electronically, which the City has refused.

Plaintiffs contend this violates Rule 26, as the City has not provided a copy of the document, nor is the listed “location” accessible to Plaintiffs. The City refuses to produce the document or even permit copying if Plaintiffs’ counsel appeared at their office, engaging in gamesmanship to delay discovery.

Summary of Plaintiffs’ Position

Fed. R. Civ. P. 26(a)(1)(A)(ii) requires a party to provide “a copy—or a description by category and location—of all documents...that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses.” The 1993 Advisory Committee Notes clarify that this rule functions as a standing Rule 34 order to “accelerate the exchange of basic information” and prevent gamesmanship. The City’s refusal to produce the Draft Internal Affairs Report, despite Plaintiffs’ April 30, 2025 request, violates this obligation.

The listed “location” (OneDrive) is not accessible to Plaintiffs, rendering the disclosure meaningless. The City has not asserted privilege or protection under Rule

1 26(b)(5)(A) to justify non-disclosure, risking sanctions under Rule 26(g)(3) for
2 non-compliance without substantial justification.

3 The City's position—that merely describing the document suffices despite an
4 express request to obtain the document—is untenable and contrary to the rule's
5 purpose. During the May 2, 2025, meet and confer, the City admitted the City is
6 tactically withholding the document, pending a potential motion for stay of discovery or
7 a ruling on its Motion to Dismiss, while claiming technical compliance.
8

9 This gamesmanship frustrates the expeditious resolution of this case, especially
10 given the report's potential relevance to the City's policies and practices, as noted in
11 Plaintiffs' assessment during the meet and confer. The City's refusal to even allow
12 copying of the document if Plaintiffs' counsel appeared at the City's office further
13 underscores their uncooperative stance.
14

15 **Plaintiffs' Requested Resolution**

16 Plaintiffs request that the Court order the City of Reno to produce the Draft
17 Internal Affairs Investigation Report (ADI 2024-00011) by May 7, 2025. Alternatively,
18 Plaintiffs request a compromise where the City permits inspection and copying of the
19 document at their office by May 7, 2025. Plaintiffs further request that the Court
20 expedite resolution of this dispute, consistent with this Court's efficient discovery
21 dispute process, to prevent further delay.
22

23 **Certification of Meet and Confer Efforts**

24 The undersigned certifies that on May 2, 2025, at 2:00 p.m., counsel for
25 Plaintiffs Luke Busby and Lauren Gorman and counsel for Defendant City of Reno,
26 Peter Keegan, conducted a meet and confer to resolve this discovery dispute. The
27
28

1 parties discussed the City's failure to produce the Draft Internal Affairs Investigation
2 Report despite Plaintiffs' request on April 30, 2025. The dispute remained unresolved,
3 with the City maintaining that describing the document satisfies Fed. R. Civ. P.
4 26(a)(1)(A)(ii) and refusing production absent a court order.

5
6 Dated: May 5, 2025

7 By: /s/ Luke Busby, Esq.

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20 *Attorneys for the Plaintiffs*

21 Exhibit List

- 22 1. City of Reno's Initial Disclosures
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CERTIFICATE OF SERVICE

I certify that on the date shown below, I caused service to be completed of a true and correct copy of the foregoing by:

_____ personally delivering;
_____ delivery via Reno/Carson Messenger Service;
_____ sending via Federal Express (or other overnight delivery service);
_____ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,
___x___ delivery via electronic means (fax, eflex, NEF, etc.) to:

Peter K Keegan
Reno City Attorney
1 East 1st Street
Reno, NV 89510
775-220-1426
Email: keeganp@reno.gov

May 5, 2025

By: /s/ Luke Busby, Esq.

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